

MAUNE.RAICHLE.HARTLEY.FRENCH & MUDD, LLC

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL R. MARCUS and VICTORIA L.
MARCUS,

Plaintiffs,

vs.

AIR & LIQUID SYSTEMS CORPORATION,
et al.

Defendants.

| Case No.: 4:22-cv-09058-HSG

[Alameda County Superior Court Case No.:
22CV021840]

**PROVISIONAL STIPULATION OF
DISMISSAL WITH PREJUDICE:
METALCLAD INSULATION, LLC;
ORDER**

Courtroom: 02, 4th Floor
District Judge: Hon. Haywood S. Gilliam Jr.

Filed in State Court: November 15, 2022
Removed to NDCA: December 21, 2022
Trial Date: September 9, 2024.

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, pursuant to Federal Rule of Civil Procedure Section
3 41(a)(1)(A)(i)(ii), Plaintiffs Michael R. Marcus and Victoria L. Marcus (“Plaintiffs”) and
4 METALCLAD INSULATION, LLC (“Defendant”) hereby stipulate as follows:

5 1. On November 15, 2022, Plaintiffs filed their Complaint for Personal Injury and Loss
6 of Consortium – Asbestos in the Superior Court of the State of California, County of Alameda
7 Case No. 22CV021840.

8 2. On December 21, 2022, the above action was removed to the United States District
9 Court, Northern District of California, Case No. 4:22-09058.

10 3. On August 21, 2024, Plaintiffs and Defendant reached an agreement of all claims in
11 this action.

12 4. The terms of settlement are not yet perfected, but Plaintiffs and Defendant agree that
13 this matter should not be litigated due to the agreed-upon resolution.

14 Based on the foregoing facts, Plaintiffs and Defendant stipulate and agree to the
15 following:

16 This Court should conditionally dismiss this Action in its entirety against
17 METALCLAD INSULATION, LLC, only, with prejudice. As the terms of settlement are not
18 yet perfected, this Court will retain jurisdiction over the matter for sixty (60) days.

19 DATED: August 22, 2024

Maune Raichle Hartley French & Mudd LLC

20 By: _____
21 Rabiah N. Oral
22 Attorney for Plaintiffs

23 DATED: August 22, 2024

HUSCH BLACKWELL LLP

24 By: _____
25 Lisa L. Oberg
26 Daniel B. Hoye
27 Paul D. Smith
28 Attorney for Metalclad Insulation, LLC

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**LOCAL RULE 5-1(i)(3) SERVICE AND FILING OF PLEADINGS AND OTHER
PAPERS**

2 In accordance with L.R5-1(i)(3), I, Rabiah N. Oral, attest that all signatories identified
3 above, and on whose behalf the filing is submitted, concur in the filing's content and have
4 authorized the filing.

5 DATED: August 22, 2024

6 By:



Rabiah N. Oral, Esq.
Attorney for Plaintiffs

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ORDER

Having read and considered the foregoing stipulation of parties, and good cause appearing:

PURSUANT TO STIPULATION, IT IS SO ORDERED that METALCLAD INSULATION LLC, only, is conditionally dismissed with prejudice from this Action in its entirety. Perfection of the terms of the settlement is to be completed within 60 days of this signed Order. The Court shall retain jurisdiction for 60 days from the date of this signed Order.

IT IS SO ORDERED.

DATED: 8/28/2024

Haywood S. Gilliam, Jr.
Hon. Haywood S. Gilliam, Jr.
UNITED STATES DISTRICT COURT JUDGE